

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**FIRST PENTECOSTAL CHURCH)
OF HOLLY SPRINGS,)**

Plaintiff,

Case No. 3:20-cv-00119-MPM-RP

V.

CITY OF HOLLY SPRINGS,)
MISSISSIPPI,)

Defendant.

PLAINTIFF'S CORRECTED MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, First Pentecostal Church of Holly Springs, by and through counsel and pursuant to Fed. R. Civ. P. 7 and 65, and L.U.Civ.R. 7(b), move the Court for a preliminary injunction enjoining Defendant, the City of Holly Springs, Mississippi, from applying its latest Stay Home Order, Executive Order 6, in a manner that denies Plaintiff and others not before the Court their rights under the First Amendment to free speech, to the free exercise of religion, and to peaceably assemble, as well as their rights under the Mississippi Religious Freedom Restoration Act, Miss. Code Ann. §11-61-1(5). Specifically, Plaintiff seeks to hold in-person worship services on Sunday, May 17, 2020, while abiding by the no-greater-than-50%-capacity rule and social distancing guidelines applicable to restaurants, “Essential Businesses,” and “Retail Businesses” under the latest Holly Springs Stay Home Order, Executive Order 6. In support of this motion, Plaintiff is submitting

simultaneously herewith its memorandum of law in support of this motion, together with the attached exhibits.

Plaintiff states that: (1) Plaintiff is likely to succeed on the merits; (2) immediate relief is necessary to prevent immediate and irreparable harm to Plaintiff's First and Fourteenth Amendment rights to free speech, the free exercise of religion, and to peaceably assemble, as well as Plaintiff's rights under the Mississippi RFRA; (3) the threatened injury to Plaintiff's constitutional rights far outweighs any possible harm an injunction would cause Defendant; and (4) issuing an injunction will serve the public interest by upholding rights guaranteed under the First and Fourteenth Amendments to the United States Constitution.

Plaintiff has also served courtesy copies of the Complaint and exhibits upon opposing counsel, and will serve courtesy copies of this motion and memorandum immediately upon filing.

Unless this Court enjoins Defendant, Plaintiff will be denied its First Amendment rights. Counsel for Plaintiff has provided notice to Defendant of its intent to seek this emergency relief.

WHEREFORE, Plaintiff respectfully requests that this Court enter an immediate injunction restraining Defendant, its agents, employees, and those acting in concert with Defendant from applying the Holly Springs Stay Home Order in a manner infringing Plaintiff's constitutionally protected activities and in particular Plaintiff's right to conduct worship services provided it complies with social distancing requirements, and that a bond be waived or that only nominal bond required.

Respectfully submitted,

Thomas More Society

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, via email, copies of the foregoing on
City Attorney Shirley Byers, this 13th day of May, 2020, addressed as follows:

Shirley Byers, Esq.
City Attorney
BYERS LAW FIRM, LLC
Marshall County Prosecuting Attorney
City Attorney Representing Holly Springs
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Attorney for Defendant

/s/Stephen M. Crampton
Stephen M. Crampton

Attorney for Plaintiff